

App. No. 09/537,948
Art Unit: 2644

Docket No. 1999-0104

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1-9, 14, 16 and 17 are pending, claims 1, 5, 8 and 14 are amended, claims 10-13 and 15 are canceled without prejudice or disclaimer, and claims 16 and 17 are added.

Allowable Subject Matter

Applicants thank the Examiner for agreeing that claim 14 contains allowable subject matter and would be allowable if rewritten in independent form to include the features of the base claim and any intervening claims.

Rejection of Claims 1, 2, 4, 5, 7, 10, 11, 13 and 15

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7, 10, 11, 13 and 15 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,370,507 to Grill et al. ("Grill") in view of U.S. Patent No. 5,522,009 to Laurent. Applicants note that the Office Action referred to Laurent as U.S. Patent No. 5,522,099. However, Form PTO-892 indicates that Laurent is U.S. Patent No. 5,552,009. Applicants canceled claims 10, 11, 13 and 15, thereby making the rejection of these claims moot. Therefore, Applicants respectfully request that the rejection of claims 10, 11, 13 and 15 be withdrawn. Applicants submit that amended claims 1 and 5 obviate the rejection.

Amended independent claim 1 is directed to a method of deploying filters for use in processing audio signals. The method includes, among other things, recalculating ones of the final filters determined to have a stronger signal mixed with one or more weaker signals in a corresponding frequency band, where the ones of the final filters are recalculated for the respective stronger signal.

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Applicants submit that Grill and Laurent fail to disclose or suggest, either separately or in combination, recalculating ones of the final filters determined to have a stronger signal mixed with one or more weaker signals in a corresponding frequency band, where the ones of the final filters are recalculated for the respective stronger signal, as required by amended claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 and dependent claims 2 and 4 be withdrawn.

Amended independent claim 5 recites a feature similar to the above-mentioned feature of claim 1 and is patentable over Grill and Laurent for at least a similar reason as discussed with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 5 and dependent claim 7 be withdrawn.

Applicants note that on page 6 of the Office Action, with respect to claim 8, the Examiner alleged that U.S. Patent No. 3,568,144 to Streb, at col. 2, lines 20-25, discloses or suggests recalculating at least one of the filters using only those frequencies corresponding to a strongest signal within a frequency range covered by the at least one of the filters. Applicants respectfully disagree.

Streb discloses a sound viewer apparatus for monitoring audio signals and providing a visual indication of which ones of the signal are being received by the apparatus (see Streb, at col. 1, lines 3-8).

Streb, at col. 2, lines 20-25, discloses:

In accordance with the present invention, the band-pass of each filter 17 $a-n$ is selected for a predetermined frequency or pitch signature. For example, the filter 17 a may have a band-pass for a train whistle (a high frequency band-pass) at a frequency f_a while the filters 17 $b-n$ may have selected band-passes for a horn noise and a siren. It should be noted that some audio signals carry other frequencies and therefore may energize one or more lamps 20 $a-n$ with varying intensity.

Thus, Streb discloses that each filter is selected for a predetermined frequency or pitch signature. For example, if one is interested in a sound of a train whistle, then a train whistle

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filter would have a band-pass corresponding to major frequency components of a train whistle.

Applicants wish to point out that Streb fails to disclose or suggest recalculating any of the filters and further fails to disclose or suggest recalculating ones of the final filters determined to have a stronger signal mixed with one or more weaker signals in a corresponding frequency band, where the ones of the final filters are recalculated for the respective stronger signal, as required by amended claims 1 and 5 and their corresponding dependent claims.

Rejection of Claims 3, 6 and 12

On page 5 of the Office Action of August 12, 2005, the Examiner rejected claims 3, 6 and 12 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grill and Laurent, and further in view of U.S. Patent No. 4,720,802 to Damoulakis et al. ("Damoulakis"). Applicants canceled claim 12 without prejudice or disclaimer, thereby making this rejection moot with respect to claim 12. Therefore, Applicants respectfully request that the rejection of claim 12 be withdrawn. Applicants submit that the amendments to claims 1 and 5 obviate the rejection.

Claims 3 and 6 depend from claims 1 and 5, respectively, and are patentable over Grill and Laurent for at least the reasons discussed with respect to claims 1 and 5. Applicants submit that Damoulakis fails to satisfy the deficiencies of Grill and Laurent. Therefore, Applicants respectfully request that the rejection of claims 3 and 6 be withdrawn.

Rejection of Claims 8 and 9

On page 6 of the Office Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grill and Laurent, and further in view of Streb. Applicants respectfully traverse the rejection.

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Features similar to those of claim 8, before the current amendment, are now included in amended claims 1 and 5. Applicants discussed the deficiencies of Streb, with respect to amended claims 1 and 5, above. Claim 8 depends from claim 5. Therefore, Applicants submit that claim 8 is patentable over Grill, Laurent and Streb for at least reasons discussed above with respect to claims 1 and 5. Therefore, Applicants respectfully request that the rejection of claim 8 and dependent claim 9 be withdrawn.

Objection to Claim 14

On page 7 of the Office Action, the Examiner objected to claim 14 for being dependent upon a rejected base claim, but indicated that the claim would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims.

Applicants rewrote claim 14 to be in independent form, but made independent claim 14 broader. Applicants submit that independent claim 14 remains allowable. Therefore, Applicants respectfully request that the objection to claim 14 be withdrawn.

New Claims 16 and 17

New claims 16 and 17 are patentable for at least depending from allowable claim 14.

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CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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